

## **REMARKS**

Claims 1-4, 8, 11, 14, 17-24 and 27-33 are pending in the present Office Action. As of the present amendment, claims 1, 11, 14, 20 and 21 are amended, and claims 3 and 23 are canceled. Applicants respectfully request the amendments be entered under 37 CFR §1.116 because claims 1 and 21 are amended to incorporate the Examiner's suggestions as expressly set forth in the previously Office Action, claims 3 and 23 are cancelled as their subject matter is now incorporated in claims 1 and 21, respectively, claim 20 is amended to clarify the subject matter claimed therein, and claims 11 and 14 are amended to change their dependency. Support for the amendment of claim 20 is found at least in the specification on page 24 and in FIGS. 9-10 as projection 73 attaches to the calculus 81. Therefore, no new matter is added by this amendment.

Referring to page 4 of the Office Action, the Examiner indicates that claims 3 and 23 have allowable subject matter, and are allowable if rewritten in independent form including all of the limitation of their respective base claims 1 and 21, respectively. Thus, claims 1 and 21 are amended to incorporate, as the Examiner suggests, the subject matter of claims 3 and 23, respectively. As the Examiner indicated that claims 3 and 23 are allowable if rewritten in independent form, Applicants believe claims 1 and 21 to be allowable and respectfully request the Examiner enter the amendment.

### **The Substantive Rejections under 35 USC § 102**

In the Office Action, claims 1, 2, 4, 8, 11, 14, 17-19, 21, 22, 24, 27, 29, 30, 32 and 33 are rejected under 35USC § 102(e) as being anticipated by Hirt 2002/0010486 (hereinafter "Hirt"). Applicants believe the rejection to be obviated by the amendment of independent claims 1 and 21 which by way of the amendment, incorporate the allowable subject matter of claims 3 and 23, respectively.

Dependent claims 2, 4, 8, 11, 14, 17-20 and 29-30 incorporate all of the structure of claim 1, and are believed allowable for at least the same reasons discussed above, as well as for the additional subject matter claimed therein. Similarly, dependent claims 22, 24, 27, and 32-33 incorporate all of the structure of claim 21, and are believed allowable for at least the same reasons discussed above, as well as for the additional subject matter claimed therein.

### **The Substantive Rejections under 35 USC § 103**

Claims 28 and 31 are rejected under 35 USC § 103(a) as being unpatentable over Hirt et al. in view of Du, et al. (U.S. Patent No.: 6,975,220). Also, claim 20 is rejected under 35 USC § 103a as being unpatentable over Hirt et al. '397 in view of Brumbach (US Patent No.: 6,582,440).

Claim 28 depends from claim 1, and claim 31 depends from claim 21, and thus, claims 28 and 31 are believed allowable for the same reasons discussed above regarding claims 1 and 21, respectively.

Further, Applicants believe claims 28 and 31 are unobvious over Hirt in view of Du, as the claims are directed to the first and second driving signal generating circuits performing variable-setting of output values of the first and second driving signals, respectively. This is not taught or suggested in the references.

Additionally, claim 20 is rejected by the Examiner under 35 USC § 103(a) as being unpatentable over Hirt et al. ('397) in view of Brumbach ('440). The following language is added to claim 20 (see underlining): "...a projection portion projected in a side direction of the first probe is arranged at the distal end of the first probe to removably attach to the calculus and for selectively anchoring the first probe". The projection 73 attaches to the calculus 81, as shown in Figs. 9-10, and described in the specification (page 24). In contrast, Brumbach discloses an enlargement 40 (Fig. 2) which increases the diameter of the tube 16 to prevent the tip 28 of the probe 10 from entering and becoming lodged within the concretion 36 as it penetrates and breaks up the concretion 36 (col. 2, lines 55-61). Thus, contrary to the pointed projections 73 of the claimed invention, Brumbach's enlargement 40 provides the opposite function of the pointed projections 73 of the claimed invention which attach to the calculus. Therefore, Applicants' believe claim 20 to be allowable.

Applicants' believe that the paper submitted herein provides a complete response to the Office Action, and the present case is in condition for allowance. Therefore, in view of the foregoing, Applicants respectfully request entering of the amendments, reconsideration, withdrawal of all rejections, and allowance of all pending claims in due course. If the Examiner determines that anything further is desirable to place this

application in even better form for allowance, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael A. Petrocelli". The signature is fluid and cursive, with the first name "Michael" being more legible than the last name "Petrocelli".

Michael A. Petrocelli  
Registration No. 53,461

Scully, Scott, Murphy & Presser, P.C.  
400 Garden City Plaza, Suite 300  
Garden City, New York 11530  
(516) 742-4343

TS/MAP:ej